

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NATIONAL COALITION ON BLACK
CIVIC PARTICIPATION, MARY WINTER,
GENE STEINBERG, NANCY HART,
SARAH WOLFF, KAREN SLAVEN, KATE
KENNEDY, EDA DANIEL, and ANDREA
SFERES,

Plaintiffs,

v.

JACOB WOHL, JACK BURKMAN, J.M.
BURKMAN & ASSOCIATES, LLC,
PROJECT 1599, and JOHN and JANE DOES
1-10,

Defendants.

Civil Action No. 20-cv-8668

DECLARATION OF GENE STEINBERG

GENE STEINBERG declares, pursuant to 28 U.S.C. § 1746, as follows:

1. My name is Gene Steinberg. I am over 18 years of age and am competent to make this declaration.
2. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in Court.
3. I am a U.S. citizen and lawfully registered to vote in Rockland County, New York, where I live.

4. On August 26, 2020, my partner whom I live with, Mary Winter, played for me a robocall that she had received through her email. I saw that the voicemail had recorded the sender number as 703-795-5364. Mary played the robocall for me just moments after she received it.
5. The content of the robocall was: “Hi, this is Tamika Taylor from Project 1599, the civil rights organization founded by Jack Burkman and Jacob Wohl. Mail-in voting sounds great, but did you know that if you vote by mail, your personal information will be part of a public database that will be used by police departments to track down old warrants and be used by credit card companies to collect outstanding debts? The CDC is even pushing to use records for mail-in voting to track people for mandatory vaccines. Don’t be finessed into giving your private information to the man, stay home safe and beware of vote by mail.”
6. I knew right away that the information on the call was all lies and that the purpose of those lies was to scare people out of voting via mail-in ballot. But even though I knew information on the robocall was a lie, the robocall still scared me.
7. I have been careful during the COVID-19 pandemic to take many precautions to protect myself and Mary and socially distance from others. I minimize our in-person interactions with everyone else. The area where

Mary and I live is a hotspot for the virus and I fear for our safety from it.

Currently, I do not even go to the grocery store.

8. I had planned on voting by mail in the general election. I voted by mail in the presidential primary due to concerns for our physical safety from COVID-19. I fear voting in person exposes us to an increased and unnecessary risk for contracting the virus.
9. However, recently I have started to have doubts and fears about voting through mail-in ballots. I have had these fears for several reasons. I have doubts that our ballots would be properly counted if we voted by mail. These fears are based on reports in the media that I have seen.
10. Mary and I have also discussed whether we can trust that our mail-in ballots will be safe, and I am not sure that they will be. I have fears that my mail-in ballot (which has my name physically on it) will be taken and I will be intimidated or retaliated against by others who vote differently than me because of my voting choices.
11. Listening to this robocall undermined my confidence in voting by mail. I know that the media has reported that Jack Burkman and Jacob Wohl are behind these calls. And while I understand that the purpose of this robocall is to scare me and that it's not authentic information, I nonetheless feel intimidated by it.

12. I am not confident that my mail-in ballot will be counted or that it will be correctly counted. The robocall exacerbated my fears that someone will tamper with my mail-in ballot or violate its secrecy. If someone is willing to go to the lengths of creating a false robocall to lie and scare people from voting by mail, I fear what else they or others might be willing to do to block my mail-in ballot.

13. The robocall was particularly traumatic for me based on my personal history. I have a nonviolent criminal conviction from 18 years ago. My experience with the criminal justice system is in the past, and I have lived a law-abiding life since then. Hearing the threats in this robocall that law enforcement may use my mail-in ballot to track me—and also discussing these threats subsequently and writing about them in this Declaration—has profoundly scared me, caused me great anxiety, and made me relive earlier traumas.

14. The robocall has created doubts and fears in my mind that someone may track or intimidate me because of my mail-in ballot. I also fear that the robocall may inspire someone else to do the things that the robocall alleges. I no longer feel safe voting by mail-in ballot. I now believe that the only way I can trust that my ballot is safe, secret, and will be correctly counted is if I vote in person.

15. I am scared that by voting in person, I am exposing myself and my partner to greater risk of contracting the coronavirus. But I feel that I have to do it to make sure my vote is counted correctly and secretly.

I declare under penalty of perjury that the foregoing statements are true and correct. Executed on:

October 15, 2020, in Rockland County, New York, by

A handwritten signature in black ink, appearing to be "Gene Steinberg", is written over a horizontal line.

GENE STEINBERG